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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
HASHEM, LISA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 May 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

FINAL DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5-12-08 have been fully considered but they are not

persuasive.

2.   This office action has been restructured for clarity. Examiner did not change the

ground(s) of rejection; but has changed the argument of the rejection to reflect the new

amendment of the claims.

3.   Applicant argues that Loucks does not disclose: 'a priority table created by a sender of

the message based on reachability of the message to a recipient'. Examiner disagrees. Loucks

discloses that a priority table of a reminder event or message is created by a sender of the

reminder event. The table is created by the user determining an order of devices of the recipient

(i.e. the sender and recipient can have the same identity) to attempt to send the reminder event

for successful delivery (col. 2, lines 21-26 and 49-55; col. 8, line 31 – col. 9, line 42; col. 10,

lines 43-62; col. 11, lines 33-37; col. 12, lines 38-53; col. 14, line 16 – col. 15, line 29). For

example, the priority order for weekend deliveries is created with the recipient wireless

telephone having the highest priority based on the recipient not being reachable at the work

telephone during the weekend (Fig. 7).

        Further, Applicant argues that Loucks does not teach 'continuing, to sequentially select

another delivery device…by adjusting the priority table responsive to a dynamic determination

of availability of the recipient prior to sending the message' and 'sending the message to a

delivery device having a highest priority based on said adjusting'. Examiner disagrees. Loucks

discloses when there is a failure to send the reminder event to the recipient's device assigned the

first attempt, the priority table then adjusts to begin a second attempt with a second recipient

device. The process continues until there is successful availability of the recipient with the

recipient device having the highest priority based on said adjusting and responsive to successful

connection and/or authorization at the second device delivering the message. (Fig. 4; col. 2, lines

21-26 and 49-55; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 12, lines 14-45; col.

14, line 16 – col. 15, line 28). Note: If the message is successfully received within the first

attempt at the recipient's first delivery device there is no need to continue to select another

delivery device.

In regards to claim 20, Applicant argues that Loucks does not disclose 'changing an order

of priority of each of said delivery devices based on a dynamic determination of availability of

the recipient until the message is delivered'. Examiner disagrees. Loucks discloses that the

priority table is changed in order to select a next device to send the reminder event to the

recipient based on successful connection and/or authorization at the recipient device. The user

can decide to change the priority of the delivery devices utilizing the GUI based upon successful

confirmation of delivery at a recipient device (col. 11, lines 30-37 and lines 59-67; col. 12, lines

57-67).

In regards to claim 21, Applicant argues that Loucks does not disclose 'changing an order

of the priorities of the priority table responsive to prior deliveries between cycles in accordance

with the dynamic determination'. Examiner disagrees. Loucks discloses that the user or sender

can change the order of delivery devices in response to successful confirmation of delivery of the

reminder event. The user can decide to change the priority of the delivery devices utilizing the

GUI based upon successful confirmation of delivery at a recipient device (col. 11, lines 30-37 and lines 59-67; col. 12, lines 57-67).

In regards to claim 24, Applicant argues that Loucks does not disclose 'dynamically changing the first order to a second order of the devices prior to sending the message based on a current determination of availability of the recipient'. There is no mention in the claim that the first order is in use to send any messages, only that the first order is created. In Loucks, the first order or priority order normal processing is changed or substituted by the priority order weekend when it is determined that the date and time is a weekend. The recipient is not available on weekends at the work telephone, therefore the priority table must be changed (col. 11, lines 59-67; col. 12, lines 16-37).

Thus, the prior art teaches the claimed limitations.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,760,412 by Loucks.

Regarding claim 1, Loucks discloses a method for selecting a delivery mechanism for a message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

creating, by a sender (i.e. user) of the message,

a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of

delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) based on reachability of the message (i.e. mental step of user selecting the

order of devices wherein the recipient can successfully receive the message; for example, on

weekends the recipient is not at work so the highest priority starts with the recipient's wireless

telephone instead of the recipient's work telephone) to a recipient (i.e. user) of the message using

each of the delivery devices prior to sending the message (i.e. detecting pick up has occurred on

a recipient telephone line in the priority weekend order (Fig. 7, 146) before the message is

delivered and/or the recipient will enter a password before receiving the message and if the

correct password is not entered than the reminder operation is considered a failure and

attempting a next device in the priority table) (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8, line 31

– col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37; col. 12, lines 38-53; col. 14, line 16 –

col. 15, line 29);

selecting a delivery device from the priority table having a highest priority for sending the

message (i.e. wireless telephone in Fig. 7, 146 having priority '1');

and continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting

an order of priority of said delivery devices in the priority table responsive to a dynamic

determination of availability of the recipient (i.e. detecting call pick up and/or input of

successfully password wherein the recipient can successful receive the message) prior to sending

the message (i.e. when user answers the call and/or enters a valid password, the message is

delivered to the telephone) (col. 12, lines 38-45) and sending the message to a delivery device

having a highest priority based on said adjusting, until the recipient receives the message (i.e.

reminder operation is successful) (Fig. 4; col. 12, lines 14-37; col. 14, line 16 – col. 15, line 28).

Regarding claim 2, the method of claim 1, wherein Loucks discloses determining a

reachability of the recipient before sending the message to the delivery device (i.e. when the

recipient answers the call and/or enters a valid password, the message is delivered to the

telephone) having the highest priority based on said adjusting (Fig. 4; col. 8, line 31 – col. 9, line

42; col. 10, lines 43-62; col. 12, lines 14-37; col. 14, line 16 – col. 15, line 28).

Regarding claim 3, the method of claim 1, wherein Loucks discloses if the message has

not been delivered to the recipient after a last delivery device has been selected, selection of

delivery devices begins again (i.e. another attempt), starting with the delivery device having the

highest priority in the priority table (i.e. wireless telephone in priority order weekend list), after a

predetermined time (i.e. 10 minutes) has expired (col. 11, lines 42-52).

Regarding claim 4, the method of claim 1, wherein Loucks discloses the priority table is

configured (i.e. configuration is performed by the user) in a way that all messages are sent to the

recipient using a particular delivery device (i.e. computer, telephone, pager, facsimile) (col. 11,

lines 38-67; col. 12, lines 16-37).

Regarding claim 5, the method of claim 4, wherein Loucks discloses the priority table

comprises a name/ID of the recipient, the delivery device, and a delivery address for the delivery

device (Fig. 7; Fig.: 3A, 3B; col. 7, line 21 – col. 8, line 20; col. 11, line 38 – col. 12, line 37; col.

15, lines 36-49).

Regarding claim 6, the method of claim 1, wherein Loucks discloses the priority table is configured in a way that a delivery device is selected according to time of day and day of week (Fig. 7; Fig.: 3A, 3B; col. 7, line 21 – col. 8, line 20; col. 12, lines 16-37).

Regarding claim 7, the method of claim 6, wherein Loucks discloses the priority table comprises a name/ID of the recipient, a list of delivery times and dates, delivery devices corresponding to the delivery times and dates, and delivery addresses corresponding to the delivery devices (Fig. 3A, 3B; Fig. 7; col. 7, line 21 – col. 8, line 20; col. 11, line 38 – col. 12, line 37; col. 15, lines 36-49).

Regarding claim 8, the method of claim 1, wherein Loucks discloses the priority table is configured in a way that a first delivery device selected to send a current message is the same device used to deliver a previous message to the recipient, and the previous message was delivered within a predetermined amount of time (i.e. 10 minutes) before the current message is sent (col. 11, lines 42-52).

Regarding claim 9, the method of claim 1, wherein Loucks discloses the priority table is configured (i.e. the table is configured by the user) in a way that a first delivery device (i.e. computer) selected to send a current message is of a type of device as a type of device (i.e. computer) used by the sender to create the current message (col. 4, line 62 – col. 5, line 7; Fig. 7, 144; col. 12, lines 16-32).

Regarding claim 10, the method of claim 1, wherein Loucks discloses the sender sends a message to one or more recipients and creates a priority table for each recipient (col. 11, line 38 – col. 12, line 37).

Regarding claim 11, the method of claim 1, wherein Loucks discloses the delivery device

comprises one of a 3G wireless device, a mobile phone, a fixed telephone, a personal computer, a

facsimile device, a pager, and a personal digital assistant (Fig. 7, 140; col. 11, lines 52-59; col.

12, lines 24-37).

Regarding claim 12, the method of claim 1, wherein Loucks discloses a format of the

message comprises one of a voice message, a text message, an electronic mail message, an

instant message, a short message service message, and a video message (col. 7, line 21—col. 8,

line 20; col. 10, lines 21-41).

Regarding claim 13, Loucks discloses a system for selecting a delivery mechanism of a

message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

a preferences and profile database (Fig. 1, 36; Fig. 6, 36; col. 4, line 62 – col. 5, line 7; col. 10,

line 63 – col. 11, line 10) containing a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a

user creating priority order list of delivery destinations utilizing a GUI), created by a sender (i.e.

user) of the message, of delivery devices (i.e. computer, pager, telephone, facsimile; Fig. 7, 14)

of a recipient (i.e. user) of the message prior to sending the message (i.e. detecting pick up has

occurred on a recipient telephone line in the priority weekend order (Fig. 7, 146) before the

message is delivered and/or the recipient will enter a password before receiving the message and

if the correct password is not entered than the reminder operation is considered a failure and

attempting a next device in the priority table), the priority table being created based on

reachability of the message to the recipient (i.e. mental step of user selecting the order of devices

wherein the recipient can successfully receive the message; for example, on weekends the

recipient is not at work so the highest priority starts with the recipient's wireless telephone

instead of the recipient's work telephone) (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8, line 31 –

col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37; col. 12, lines 38-53; col. 14, line 16 –

col. 15, line 29); and

a priority delivery selection logic unit (i.e. processor; Fig. 1, 34; Fig. 6, 34) selecting a delivery

device (i.e. wireless telephone in Fig. 7, 146 having priority '1') from the priority table having a

highest priority for sending the message, and continuing, to sequentially select another delivery

device (i.e. home telephone) by adjusting an order of priority of said delivery devices in the

priority table responsive to a dynamic determination of availability of the recipient (i.e. detecting

call pick up and/or input of successful password wherein the recipient can successfully receive

the message) prior to sending the message (i.e. when user answers the call and/or enters a valid

password, the message is delivered to the telephone) (col. 12, lines 38-45) and sending the

message to the selected delivery device, until the recipient receives the message (i.e. reminder

operation is successful) (Fig. 4; col. 12, lines 14-37; col. 14, line 16 – col. 15, line 28).

Regarding claim 14, the system of claim 13, wherein Loucks further discloses the priority

delivery selection logic unit and the preferences and profiles database are located within a store

and forward portion of a multimedia messaging system (Fig: 1, 20; Fig. 6, 20) (col. 4, line 62 –

col. 5, line 7; col. 10, line 63 – col. 12, line 37).

Regarding claim 15, the system of claim 13, wherein Loucks discloses determining a

reachability of the recipient before sending the message to the delivery device (i.e. when user

answers the call and/or enters a valid password, the message is delivered to the telephone) having

a highest priority based on said adjusting (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-

62; col. 12, lines 14-37; col. 14, line 16 – col. 15, line 28).

Regarding claim 16, Loucks discloses a computer-readable storage having

a program stored therein for controlling (Fig. 1, 34, 36; Fig. 6, 34, 36) a computer (i.e. apparatus;

Fig: 1, 20; Fig. 6, 20) to select a delivery mechanism for a message (i.e. event message; reminder

message; Fig. 3A, 3B), comprising:

creating, by a sender (i.e. user) of the message,

a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list of

delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) based on reachability of the message (i.e. mental step of user selecting the

order of devices wherein the recipient can successfully receive the message; for example, on

weekends the recipient is not at work so the highest priority starts with the recipient's wireless

telephone instead of the recipient's work telephone) to a recipient (i.e. user) of the message using

each of the delivery devices prior to sending the message (i.e. detecting pick up has occurred on

a recipient telephone line in the priority weekend order (Fig. 7, 146) before the message is

delivered and/or the recipient will enter a password before receiving the message and if the

correct password is not entered than the reminder operation is considered a failure and

attempting a next device in the priority table) (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8, line 31

– col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37; col. 12, lines 38-53; col. 14, line 16 –

col. 15, line 29);

selecting a delivery device from the priority table having a highest priority for sending the

message (i.e. wireless telephone in Fig. 7, 146 having priority '1');

and continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting

an order of priority of said delivery devices in the priority table responsive to a dynamic

determination of availability of the recipient (i.e. detecting call pick up and/or input of successful

password wherein the recipient can successfully receive the message) prior to sending the

message (i.e. when user answers the call and/or enters a valid password, the message is delivered

to the telephone) (col. 12, lines 38-45) and sending the message to a delivery device having a

highest priority based on said adjusting, until the recipient receives the message (i.e. reminder

operation is successful) (Fig. 4; col. 12, lines 14-37; col. 14, line 16 – col. 15, line 28).

Regarding claim 17, the computer-readable storage having the program of claim 16,

wherein Loucks discloses determining a reachability of the recipient before sending the message

to the delivery device (i.e. when user answers the call and/or enters a valid password, the

message is delivered to the telephone) having a highest priority based on said adjusting (Fig. 4;

col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 14, line 16 – col. 15, line 28).

Regarding claim 18, the computer-readable storage having the program of claim 16,

wherein Loucks discloses if the message has not been delivered to the recipient after a last

delivery device has been selected, selection of delivery devices begins again (i.e. another

attempt), starting with the highest priority in the priority table (i.e. wireless telephone in priority

order weekend list), after a predetermined time (i.e. 10 minutes) has expired (col. 11, lines 42-

52).

Regarding claim 19, Loucks discloses a method of selecting a delivery device for a

message (i.e. event message; reminder message; Fig. 3A, 3B), comprising:

receiving priority tables of delivery devices, respectively, for each of a plurality of message

recipients (i.e. multiple users utilizing the schedule program), the priority tables being

customized for each message recipient (i.e. user) (col. 15, lines 36-49);

allowing the priority tables of the delivery devices to be dynamically changed for each message

recipient (i.e. a user logging into scheduling program and updating reminder preferences) (col.

11, line 33 – col. 12, line 37; col. 15, lines 36-49);

selecting, for each message to be transmitted, a delivery device (i.e. a wireless telephone) having

a highest priority from a corresponding priority table (i.e. wireless telephone in Fig. 7, 146

having priority '1') and determining whether the recipient of the message to be transmitted is

available on the selected device prior to sending the message (i.e. detecting pick up has occurred

on a recipient telephone line in the priority weekend order (Fig. 7, 146) before the message is

delivered and/or the recipient will enter a password before receiving the message and if the

correct password is not entered than the reminder operation is considered a failure and

attempting a next device in the priority table) (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8, line 31

– col. 9, line 42; col. 10, lines 43-62; col. 12, lines 38-53; col. 14, line 16 – col. 15, line 29); and

continuing, to sequentially select another delivery device (i.e. home telephone) by adjusting an

order of priority of said delivery devices in the corresponding priority table responsive to a

dynamic determination of availability of the recipient (i.e. detecting call pick up and/or input of

successful password wherein the recipient can successfully receive the message) and sending the

message to be transmitted to a delivery device having a highest priority based on said adjusting,

until the message recipient is available on the selected device (i.e. when user answers the call

and/or enters a valid password, the message is delivered to the telephone) (Fig. 4; col. 8, line 31

– col. 9, line 42; col. 10, lines 43-62; col. 12, lines 14-45; col. 14, line 16 – col. 15, line 28).

Regarding claim 20, Loucks discloses a method for delivering a message (i.e. event

message; reminder message; Fig. 3A, 3B), comprising:

creating a priority table (Fig. 3A, 3B; Fig. 7: 144, 146; 150; i.e. a user creating priority order list

of delivery destinations utilizing a GUI) of delivery devices (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) of a recipient (i.e. user) of the message prior to sending the message (Fig.

4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37;); and

adaptively cycling through the delivery devices listed in the priority table and changing an order

of priority (i.e. the user can decide to change the priority of the delivery devices utilizing the

GUI upon successful confirmation of delivery at a recipient device) (col. 11, lines 30-37 and

lines 59-67; col. 12, lines 57-67) of each of said delivery devices based on a dynamic

determination of availability of the recipient (i.e. detecting call pick up and/or input of

successfully password wherein the recipient can successful receive the message) until the

message is delivered to the recipient (i.e. when user answers the call and/or enters a valid

password, the message is delivered to the telephone) (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8,

line 31 – col. 9, line 42; col. 10, lines 43-62; col. 12, lines 14-45; col. 14, line 16 – col. 15, line

28).

Regarding claim 21, Loucks discloses a method for delivering a message (i.e. event

message; reminder message; Fig. 3A, 3B), comprising: creating a priority table (Fig. 3A, 3B;

Fig. 7: 144, 146; 150; i.e. a user creating priority order list of delivery destinations utilizing a

GUI) of delivery devices (i.e. computer, pager, telephone, facsimile; Fig. 7, 140) of a recipient

(i.e. user) of the message prior to sending the message (Fig. 4; col. 8, line 31 – col. 9, line 42;

col. 10, lines 43-62); cycling through verification of the delivery devices one at a time responsive

to priorities of the priority table adjusted in accordance with a dynamic determination of

availability of the recipient (i.e. detecting call pick up and/or input of successfully password

wherein the recipient can successful receive the message) (Fig. 4; col. 2, lines 21-26 and 49-55;

col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37; col. 12, lines 14-37; col.

14, line 16 – col. 15, line 28); and changing an order of the priorities of the priority table

responsive to prior deliveries between cycles in accordance with the dynamic determination (i.e.

the user can decide to change the priority of the delivery devices utilizing the GUI upon

successful confirmation of delivery at a recipient device) (col. 11, lines 30-37 and lines 59-67;

col. 12, lines 57-67).

Regarding claim 22, Loucks discloses a message delivery method, comprising: allowing

a sender (i.e. user) of a message to prioritize multiple delivery destinations (i.e. computer, pager,

telephone, facsimile; Fig. 7, 140) associated with a recipient (i.e. user) prior to sending the

message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10, lines 43-62; col. 11, lines 33-37;); and

sending the message to at least one of the multiple delivery destinations in accordance with the

prioritization by the sender, where an order of the prioritization is adaptively changed based on

message delivery conditions including a message delivery success corresponding to the multiple

delivery destinations based on a dynamic determination of availability of the recipient (i.e.

detecting call pick up and/or input of successfully password wherein the recipient can successful

receive the message) prior to sending the message (i.e. when user answers the call and/or enters a

valid password, the message is delivered to the telephone) (Fig. 4; col. 2, lines 21-26 and 49-55;

col. 8, line 31 – col. 9, line 42; col. 12, lines 14-37; col. 10, lines 43-62; col. 14, line 16 – col. 15,

line 28).

Regarding claim 23, Loucks discloses a method of delivering a message (i.e. event

message; reminder message; Fig. 3A, 3B), comprising:

prioritizing delivery mechanisms including delivery destinations (i.e. computer, pager, telephone,

facsimile; Fig. 7, 140) prior to delivering the message to a recipient (i.e. user) in accordance with

an input by a sender (i.e. user) of the message (Fig. 4; col. 8, line 31 – col. 9, line 42; col. 10,

lines 43-62; col. 11, lines 33-37;); and

allowing the sender to select at least one delivery mechanism including a corresponding delivery

destination (i.e. wireless telephone) for initial delivery of the message, sequentially selecting

from the prioritized delivery mechanisms adjusted based on a dynamic determination of

availability of the recipient via the prioritized delivery mechanisms (i.e. detecting call pick up

and/or input of successfully password wherein the recipient can successful receive the message)

and sending the message (i.e. when user answers the call and/or enters a valid password, the

message is delivered to the telephone) using a delivery mechanism having a highest priority

based on said dynamic determination of availability (Fig. 4; col. 2, lines 21-26 and 49-55; col. 8,

line 31 – col. 9, line 42; col. 12, lines 14-37; col. 10, lines 43-62; col. 14, line 16 – col. 15, line

28).

Regarding claim 24, Loucks discloses a method for selecting a delivery mechanism for a

message, comprising:

creating a list (Fig. 7: 144, 146; 150; i.e. a user creating priority order lists of delivery

destinations utilizing a GUI) of delivery destinations (i.e. computer, pager, telephone, facsimile;

Fig. 7, 140) having a first order (i.e. priority order normal with priorities 1-4) of devices (i.e.

computer, wireless telephone, work telephone, email, pager) of a recipient (i.e. user) based on an

input by a sender (i.e. user) for sending a message (i.e. event message; reminder message; Fig.

3A, 3B: 50) (col. 2, lines 21-26 and 49-55; col. 7, lines 21-64; col. 11, lines 33-66); and

dynamically changing the first order to a second order (i.e. priority order weekend) of the

devices (i.e. wireless telephone, home telephone, email, pager) prior to sending the message (i.e.

using a second priority list by the user by Fig. 7, 150) based on a current determination of

availability of the recipient (i.e. on weekends recipient is not at work) and sending the message

based on the second order (col. 11, lines 59-67; col. 12, lines 16-37).

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. See PTO-892 Form.

8.   Any response to this action should be mailed to:

<div align="center">
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
</div>

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/
Supervisory Patent Examiner, Art Unit 2614

/Lisa Hashem/
Examiner, Art Unit 2614
August 11, 2008